

By: Lucio

S.B. No. 466

A BILL TO BE ENTITLED

AN ACT

relating to certain petitions filed with home-rule municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 277.004, Election Code, is amended to read as follows:

Sec. 277.004. EFFECT OF CITY CHARTER OR ORDINANCE. This chapter preempts any ~~[Any]~~ requirements for the validity or verification of petition signatures ~~[in addition to those prescribed by this chapter]~~ that are prescribed by a home-rule city charter provision or a city ordinance ~~[are effective only if the charter provision or ordinance was in effect September 1, 1985]~~.

SECTION 2. Subchapter E, Chapter 51, Local Government Code, is amended by adding Sections 51.080, 51.081, 51.082, and 51.083 to read as follows:

Sec. 51.080. TIME TO FILE PETITION. (a) A petition regarding an election on the repeal of an order, ordinance, or resolution must be filed not later than the 90th day after the later of the date on which the order, ordinance, or resolution:

(1) finally passed; or

(2) was published.

(b) If the secretary of the municipality or other authority responsible for verifying the signatures determines the petition contains an insufficient number of valid signatures, the secretary or other authority shall state all the grounds for invalidating a

1 signature.

2 (c) If a petition is invalidated and later refiled, the
3 secretary of the municipality or other authority responsible for
4 verifying the signatures may not invalidate a subsequent petition
5 on grounds that existed but were not raised during the initial
6 determination of the petition's validity.

7 (d) This section does not apply to a change in a provision of
8 the municipal charter.

9 Sec. 51.081. CONTENT OF PETITION. (a) The secretary of
10 state shall prescribe a petition form that complies with state law
11 applicable to the filing of a petition with a municipality in
12 connection with an election. The petition form must:

13 (1) require only the provision of information required
14 under Chapter 277, Election Code; and

15 (2) allow a petitioner to add the purpose of the
16 petition to the form.

17 (b) A municipality shall make the petition form available on
18 the official website, if any, of the municipality.

19 (c) The secretary of the municipality or other authority
20 responsible for verifying the signatures may not invalidate a
21 petition because the petition did not contain information that the
22 municipality's petition form under Subsection (a) failed to provide
23 or to require to be provided.

24 Sec. 51.082. VALIDITY OF PETITION SIGNATURE. A signature on
25 a petition filed in connection with an election is valid if the
26 information provided with the signature as required by Section
27 277.002, Election Code, and other applicable law legibly provides

1 enough information to demonstrate that the signer:

2 (1) is eligible to have signed the petition; and

3 (2) signed the petition within the time prescribed by
4 law.

5 Sec. 51.083. WEBSITE POSTING OF INFORMATION RELATING TO
6 PETITIONS. A municipality shall conspicuously post on its official
7 website, if any, information relating to citizen-initiated
8 petitions. This information must contain a link to the petition
9 form posted under Section 51.081(b).

10 SECTION 3. The changes in law made by this Act apply only to
11 a petition filed on or after the effective date of this Act. A
12 petition filed before the effective date of this Act is governed by
13 the law in effect when the petition was filed, and the former law is
14 continued in effect for that purpose.

15 SECTION 4. This Act takes effect September 1, 2017.